

## **405 KAR 20:090. Underground only permits.**

RELATES TO: KRS 350.151, 350.465

STATUTORY AUTHORITY: KRS 350.028, 350.151, 350.465

NECESSITY, FUNCTION, AND CONFORMITY: KRS 350.465 authorizes the cabinet to promulgate administrative regulations to establish environmental protection performance standards for all surface coal mining and reclamation operations. This administrative regulation establishes certain performance standards for underground only permits.

Section 1. Coal Recovery. Underground only mining activities shall be conducted to maximize the utilization and conservation of the coal, while utilizing the best appropriate technology currently available to maintain environmental integrity.

Section 2. Permanent Abandonment of Operations. (1) Notice required. On or before the date of permanent abandonment of underground only operations, the permittee shall provide written notice to the cabinet that permanent abandonment is intended.

(2) Prior to permanent abandonment, and prior to removal of necessary equipment from the site, all affected areas shall be closed, in accordance with the requirements of KRS Chapter 350, the administrative regulations of KAR Title 405, and the permit.

Section 3. Temporary Cessation of Operations. (1) Notice required. Prior to a temporary cessation of operations that the permittee intends to last for thirty (30) days or more, or as soon as it is known to the permittee that an existing temporary cessation will last beyond thirty (30) days, the permittee shall provide written notice to the cabinet that temporary cessation is anticipated. The notice shall state to what extent equipment will be removed from the site during the temporary cessation, and shall state the approximate date on which the permittee intends that operations will be resumed.

(2) Temporary cessation shall not relieve a permittee of the obligation to comply with the surface and groundwater monitoring requirements of 405 KAR 18:110, and the obligation to comply with all applicable conditions of the permit during the cessation.

(3) During temporary cessations, equipment and facilities necessary to environmental monitoring or to compliance with performance standards shall be made secure to the extent practicable. (44 Ky.R. 703, 1331; eff. 1-5-2018; Crt eff. 7-3-2018.)